



An
Bord
Pleanála

Board Order
ABP-314258-22

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22389.

Appeal by Cuchullainn Developments care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 7th day of July, 2022 by Louth County Council to refuse a permission for the proposed development.

Proposed Development: Permission for 54 residential units, a pumping station, ESB substation and all associated site works. The residential units will include: seven number detached four-bed houses, 24 number semi-detached three-bed houses, 17 number terraced three-bed houses, four number terraced two-bed houses and two number detached four/five bed houses, at Ballinlough Road, Ballinlough, Knockbridge, Dundalk, County Louth.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, to the location of the site within the settlement boundary of Knockbridge identified as a Small Town and Village, to the zoning of the site including inter alia as A2 'New Residential' Phase 1 with a stated objective "To provide for new residential neighbourhoods and supporting community facilities", it is considered that the proposed development, subject to compliance with the conditions set out below, would contribute to localised sustainable growth proportionate to the size of the settlement, would strengthen the fabric of Knockbridge by supporting and facilitating residential development on under-utilised land that will contribute to the character of the village and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that:

- (a) while the development encroached the zoned H1 open space on the site, the encroachment constituted a roadway that would serve the development and the open space, thereby activating and improving the facilities and quality of the open space, amenity and recreational facilities, and contributing to the enjoyment of the space by the wider community, and did not therefore represent a material contravention;
- (b) the proposed development was not excessive in the context of the village setting;
- (c) the provision and quantum of substantial open space that serves the development and the wider village shall be satisfactory in terms of integration and functionality making a significant contribution to KNOC-1 by facilitating development that will contribute to the character of the

village and complement and enhance the quality of the village's attractive built and natural environment;

- (d) the form and location of dwellings on the site set back from the Ballinlough Road would not be visually obstructive and out of character with the streetscape; and
- (e) the separation distances, the absence of directly opposable windows and opaque gable windows would not give rise to a layout and design of development that would appear visually overbearing, would detract from the existing residential amenity and may give rise to overlooking of the rear amenity space of the directly adjoining site.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans submitted on appeal to An Bord Pleanála on the 3rd day of August 2022, except as may otherwise be required in order to comply with the conditions set out below. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. For the avoidance of doubt, the development shall be carried out in accordance with the site layout as originally proposed in drawing number 1307/PP/S/1 and received by the planning authority on the 17th day of May 2022 with the following revisions:

- (i) car parking spaces to the east of units 21-26 shall be assigned to individual dwellings and visitor parking;
- (ii) the layout of the development to the west of the land zoned residential shall be as presented in drawing number 1307/PPFI/01 received by An Bord Pleanála on the 3rd day of August 2022;
- (iii) the layout of the green area to the east of units 21-26 shall be landscaped and provided as public open space as part of the development;
- (iv) the layout of unit number 1 shall be redesigned so that the single-storey element is positioned to the eastern side while the two-storey element is positioned to the western side. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development; and
- (v) cycle parking and storage facilities for residents and visitors in accordance with Specific Planning Policy Requirement 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) shall be included.

Revised site layout drawings, showing compliance with this condition, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of clarity and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces. Details of this scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following:
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes;
 - (e) the green area shown on the lodged plans to the east of units 21-26 shall be levelled, contoured, soiled, seeded, landscaped and shall be maintained as public open space by the developer until taken in charge by the local authority/

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interests of visual and residential amenity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate/street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

14. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

17. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the

Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *3rd* day of *May*, 2024.